

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72469 of 2024

Arising Out of PS. Case No.-153 Year-2018 Thana- DAUDPUR District- Saran

Bambhala Rai @ Bambhola Rai @ Bhola Ray Son of Chandrika Rai @
Chandrika Ray Resident of Village - Balesra, P.S. - Daudpur , District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 21-10-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. Earlier the regular bail of the petitioner was rejected vide order dated 07.08.2023, passed in Cr. Misc. No. 74804 of 2022 (Annexure- P1 Series). The present is the second application for regular bail filed on behalf of the petitioner.

3. The petitioner seeks bail in Daudpur P.S. Case No. 153 of 2018, instituted for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307 and 302 of the Indian Penal Code.

4. The prosecution case, in short, is that, the petitioner assaulted the deceased on his head by means of spade, as a result of which, he succumbed to the injuries during treatment.



5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. It is also submitted that Charge has been framed against the petitioner and no any witnesses have been examined in this case. Learned counsel for the petitioner further submits that the allegation levelled against the petitioner is general and omnibus in nature. Due to some personal land dispute the present FIR has been lodged against all the named accused persons. The petitioner is in custody since 07.03.2022 and has got no criminal antecedent.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is also submitted that there is specific allegation against the petitioner that he assaulted with spade on the head of the deceased.

7. Considering the nature of accusation against the petitioner, the gravity of the offence as also having no fresh ground, this Court is not inclined to grant bail to the petitioner.

8. The Trial Court is directed to expedite the Trial expeditiously and conclude the same at the earliest.

9. The District Magistrate, Saran and the Superintendent of Police, Saran, are also directed to take



necessary steps to produce the witnesses on the date fixed in the Trial Court so that the Trial could be concluded within the stipulated period.

10. Let this order be communicated to the District Magistrate, Saran and the Superintendent of Police, Saran.

(Rudra Prakash Mishra, J)

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